

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
August 5, 2015 - 5:00 p.m.**

In Attendance were:

Ken Moon, Planning Commission, Chairman
Kathy Giles, Planning Commission
John Jorgensen, Planning Commission
Edward Roberts, Planning Commission
Brad Wells, Planning Commission
Bobby Drake, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

Mike and Cindy Young	Gravel Pit
Bill Young	Gravel Pit
Bill Clark	Gravel Pit
Shawna Kirby	Gravel Pit
Randy Johnson	Gravel Pit

Chairman Moon opened the meeting at 5:00 pm and read the rules of order. He asked if any of the Planning Commission members had any ex-parte contacts or conflicts of interest associated with the agenda. Commissioner Roberts stated Mr. Young will be a competitor but does not feel that would effect his decision. No one in the audience had any objections to Commissioner Roberts participating in the public hearing, so the meeting proceeded.

PUBLIC HEARINGS:

- A. Request by Mike Young for a Conditional Use Permit to operate a gravel pit and rock crusher on approximately six acres of a 109.66-acre parcel owned by William R. Young. The property is located along Red Creek, north of Highway 40, east of Fruitland.**

Mr. Hyde referred the planning commission to their packets and some site photos and explained the applicant is applying for this permit to authorize a gravel pit, with rock crushing, on approximately six acres of a 109.66-acre parcel, along Red Creek, north of Highway 40, which is owned by William Young. The extraction of earth products is a conditionally permitted use in the A-5 zone.

The criteria for considering approval include the following.

1. The proposed use at the proposed location will not be unduly detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety or general welfare.

Mr. Hyde stated the extraction of earth products can be detrimental in terms of noise and dust during operations. Surface disturbance results in noise from operation of equipment, windblown dust and dust from equipment movement. Haul roads can also generate dust problems for nearby residents. However, if the applicant and operators comply with dust and noise standards, the proposal is less likely to be injurious to public health, safety or welfare.

Detrimental impacts can also occur if the extraction area is not reclaimed properly. The county has “material pit finishing” standards that prevent the applicant or operator from leaving eyesore or hazardous conditions when mining is completed.

Detrimental impacts can occur if excavation results in sedimentation of waterways. Such protections are afforded through the DEQ industrial storm water permit process. The applicants will need to contact DEQ to determine if a permit is necessary at this location. According to maps prepared by the Utah Division of Drinking Water, the property does not lie within any drinking water source protection zones.

Mr. Hyde explained rock extraction activity and the associated heavy hauling may be detrimental to public improvements in the vicinity; especially the county roads. In this case, access from the gravel pit to Highway 40 would be via County Road #5, which joins the highway at the Young Meadows Estates area on the east and runs northwesterly to the Old Sawmill Road and 45000 West. The applicant indicates that they will have approximately two trucks and some days they will only have one load (one round trip) and other days there will be multiple round trips for each truck. The proposal has been forwarded to Glen Murphy, Public Works Director for comment. He visited the area and had no concerns about the small amount of truck traffic anticipated on the existing county road. Mr. Murphy also expressed that there is a need for a gravel source in the Fruitland area.

Mr. Hyde stated the county Nuisance Ordinance sets forth time limits during which noise is permitted (7:00 AM to 9:30 PM on weekdays, 8:00 AM to 9:30 PM on Saturdays and 9:00 AM to 9:30 PM on Sundays and holidays). The applicant states that their hours of operation would be Monday thru Friday from 7:00 AM to 5:00 PM.

2. The proposed use will be located and conducted in compliance with the goals and policies of the county general plan and the purposes of this title.

The Duchesne County General Plan contains the following statements with respect to mining activities: *“Today, extractive-use industries: livestock, timber, mining, and oil; remain the backbone of the region’s economy. The County continues to encourage and support these industries, acknowledging that industry patterns, fluctuating markets, and changing political winds predict periodic good times followed by lean.”*

3. **That the property on which the use, building or other structure is proposed is of adequate size and dimensions to permit the conduct of the use in such a manner that will not be materially detrimental to adjoining and surrounding properties.**

Mr. Hyde stated the proposed mining would take place on approximately six acres of the subject 109.66-acre site, which is certainly large enough to accommodate the proposed use. The applicants are required to set the mining areas back at least 50 feet from the property lines to provide adequate space for a transitional slope between natural grade and the finished pit level. The applicants are also required to set the mining disturbance area back 660 from existing homes. The anticipated conditions of approval, if adhered to, will enable the use to be conducted in a manner that will not be materially detrimental to adjoining and surrounding properties.

The criteria for conditional use permits for extraction of earth products are as follows:

- A. **Dust Free Condition: Must be maintained in a near dust free condition. A dust control plan shall be provided by the applicant to the county, the Tri-County health department and the state DEQ that contains an inventory of dust control equipment and procedures that will be utilized at the site and a documented source of adequate water. Rock crushers shall have a DEQ air quality permit in effect during operation, with a copy of such permit provided to the county, unless the crusher is considered exempt from permit requirements by the Utah DEQ. Watering or applying chemical treatments to active pit areas and driving surfaces during times of operation is considered maintaining a near dust free condition.**

Mr. Hyde explained that a dust control plan must be presented by the applicant or authorized agent to the TriCounty Health Department for approval prior to operations beginning. The applicant or authorized agent must follow this plan to control dust at active pit areas and driving surfaces. Haul roads should be located away from dwelling units to minimize the potential for dust problems. A DEQ air quality permit also must be obtained for a crusher to operate at this location.

- B. **Bond Required: A bond shall be issued in the amount of five thousand dollars (\$5,000.00) for the first acre, and three thousand dollars (\$3,000.00) for each additional acre from which such material is taken as a guarantee of reconditioning. The number of acres must be specified on the conditional use permit and cannot be enlarged or modified until the issue is re-presented to the planning commission for a new conditional use permit and the enlargement or modification is approved. This bonding requirement may be waived in writing by the property owner but such waiver does not waive the reconditioning requirements.**

The bonding requirement has been waived by the property owner as set forth in the lease agreement. The applicant understands that reclamation must occur in

accordance with the standards below.

- C. Reconditioning: Reconditioning, in a manner agreed to by the county, the property owner and the applicant, to assure the surrounding property is protected along with the beauty of the landscape. Guidelines known as the *Material Pit Finishing Standards* on file at the County Planning Department are suggested for use in reclamation planning.**

Mr. Hyde stated the “Material Pit Finishing Standards” are used by the County to determine how reconditioning is to be accomplished. The applicant and authorized agents shall be subject to these standards. In addition, during operations, the property shall be maintained in a condition that is not hazardous, with any hazardous areas being signed, fenced or bermed.

- D. Distance Requirement for Gravel Pits and Rock Crushing Operations: Rock crushing operations must be a minimum of one thousand three hundred twenty feet (1,320') from any city, town or residential use, measured from the center of the crusher location. In addition, the gravel pit boundary shall be set back 660 feet from the edge of the proposed disturbed area to the closest city or town boundary line, the closest point of a residential, educational, public, religious or commercial structure or the closest point on the boundary of an enclosed area of a concentrated livestock facility. In addition, the proposed disturbed area or gravel pit boundary shall be set back at least 50 feet from a property line. The setback requirements may be waived in writing by the owner(s) of land within the setback area if such owner(s) consent to a lesser distance. These setback requirements do not apply to land uses owned and occupied by the owner(s) of the same parcel on which the extraction of earth products would occur.**

Mr. Hyde stated the distance requirements of this section will be met. The proposed gravel pit disturbance boundaries will be set back at least 50 feet from the property line to meet the minimum standard of the ordinance. The gravel pit boundary will be set back 660 feet from the nearest homes as shown on aerial photos of the area. The rock crusher location will meet the ¼ mile setback requirement (from a dwelling or city limit line) as demonstrated by aerial photos of the area. The nearest home is located to the southeast, on Lot 1 of the Young Meadow Estates subdivision and appears to have been unoccupied for a substantial length of time. The homes in the Cedar Mountain Subdivision, Phase 6A, are on a ridge top roughly one half mile to the southwest of the proposed crusher site.

Mr. Hyde’s recommendation is approval of the Conditional Use Permit requested by Mike Young, for extraction of earth products, subject to the following conditions:

1. Owners, applicants or their authorized agent(s) shall control dust and noise so neither becomes a nuisance.

- a. A dust control plan approved by the TriCounty Health Department shall be obtained prior to starting excavation and shall be implemented on all active portions of the site throughout the course of the operations by the owners, applicants or authorized agents. The haul road between the gravel pit and the County Road shall be located a sufficient distance from dwelling units to mitigate potential dust impacts on such dwellings.
 - b. Owners, applicants or their authorized agents shall comply with the following hours of crusher operation: (7:00 AM to 9:30 PM on weekdays, 8:00 AM to 9:30 PM on Saturdays and 9:00 AM to 9:30 PM on Sundays and holidays).
2. Owners, applicants or their authorized agents shall reclaim the property in accordance with the county's "Material Pit Finishing Standards" and protect the public from any hazardous conditions on the site by signage, fencing or berming. Mining areas shall be set back at least 50 feet from the property lines and at least 660 feet from the nearest dwellings.
3. A DEQ Air Quality permit shall be obtained for the crusher and a copy provided to the County prior to the start of crushing operations. The crusher shall be kept at least 1,320 feet from the nearest dwellings.
4. Before starting excavation at the site, the applicants shall obtain an industrial stormwater permit from the Utah Department of Environmental Quality (if required by DEQ) to ensure that Red Creek is not adversely impacted by the proposed mining operation.

Mr. Hyde stated all property owners within 1320 feet were notified of the applicant's request. Michael Henderson sent an e-mail in support of the gravel pit and Mr. Young has included a letter with some photos and an outline of their intentions.

Mr. Hyde asked the planning Commission if they had any questions of the staff report.

Commissioner Roberts asked if the county road extended beyond the Young Meadows subdivision. Mr. Hyde stated that County Road #5 does extend beyond Young Meadows northwesterly to the Sawmill road area. However, the road does not meet full county standards.

With no other questions Chairman Moon invited the applicant to speak.

Mike Young stated they are in the process of getting the necessary permits and do not have any problems with the conditions of approval. Mr. Young asked if the commission had any questions.

Commissioner Drake asked if the crushing would be for personal business use or would they contract the pit out? Mr. Young replied mostly his business use with trips varying from 5 to 8 loads a day.

Chairman Moon asked Mr. Young if he owned his own equipment. Mr. Young stated he has a crusher, 2 end dump trucks and 2 belly dump trucks.

With no other questions or comments from the planning commission, Chairman Moon asked if anyone in the audience wanted to speak.

Bill Clark, an adjoining property owner, stated he is not against the request but has some concerns. While he understands Mr. Young only has 2 trucks and this will be a small operation Mr. Clark already has one gravel pit to the west of his property and now one to the east and ultimately would like to see this one moved somewhere else. Mr. Clark is concerned about the increased traffic driving by his home and who will be responsible for the dust control.

Chairman Moon asked Mr. Hyde if that would not be Mr. Young's responsibility and would they put a cattle guard in. Mr. Hyde stated Mr. Young will need a dust control plan approved from Tri County Health and the cattle guard would be a decision the property owners would need to make, in conjunction with the road department.

Mr. Hyde read an e-mail received from Mr. Robert Wren stating his concerns about the traffic, dust and property values. Mr. Wren also outlined some other possible downsides and conditions that should be considered for the approval of Mr. Young's request.

Commissioner Jorgensen asked if the county road has a right of way to Mr. Young's property. Mr. Young replied there is a right of way thru the Young Meadows Estate subdivision that was approved in 1996.

With no other questions, Chairman Moon asked if there was anyone else in the audience to speak either in favor or in opposition to the applicant's request. There were none so the applicant was invited to speak in rebuttal.

Mr. Young stated he lives in the area and they want to be good neighbors. They have access to plenty of water with their Red Creek Irrigation water rights and a water truck to control the dust. The applicant also indicated they would build a cattle guard if they need to.

Commissioner Roberts asked Mr. Hyde if the commission would re-visit the applicant's permit if the production and number of trucks increase. Mr. Hyde replied not unless they are not in compliance with their permit.

Commissioner Giles commented she hopes they take care of business and are successful in their endeavors.

Commissioner Drake asked Mr. Hyde about the traffic. Mr. Hyde stated there is not too much thru that area and it should not be a problem.

With no other speakers the public hearing was closed.

Commissioner Drake motioned to approve the applicant's request for extraction of earth products, subject to the conditions stated in the staff report. Commissioner Roberts seconded the motion and it passed unanimously.

NEW BUSINESS:

None

Minutes: Approval of April 1, 2015 minutes:

Commissioner Giles moved to approve the minutes of April 1, 2015.
Commissioner Wells seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items:

None

Adjournment:

Meeting adjourned at 6:00 p.m.